

**REMARKS**

Reconsideration and allowance of the subject patent application are respectfully requested.

The title of the application has been changed along the lines kindly suggested by the Examiner.

Claims 8 and 9 were rejected under 35 U.S.C. Section 112, second paragraph, as allegedly being indefinite. Claim 8 has been amended to refer to the content reception apparatus further comprising means for deleting received content and for sending a signal regarding the deleting to a distributor. Claim 9 has been amended to refer to the content-specifying information being updated based on type of content deleted by the content reception apparatus. These amended claims are believed to be in compliance with the provisions of 35 U.S.C. Section 112, second paragraph, and withdrawal of the rejection of the claims on this basis is respectfully requested.

Claims 1-24 were rejected under 35 U.S.C. Section 102(b) as allegedly being anticipated by "the RealAudio document" ("Release Notes: RealAudio Player 2.0 for Windows"). Applicants respectfully submit that the Real Audio document does not disclose (or even suggest) the subject matter of the rejected claims.

Claim 1 is directed to a content distribution system in which a content distribution apparatus distributes a continuation signal "for enabling said content to be reproduced continuously, and said content reception apparatus is unable to reproduce said content while said content reception apparatus is unable to receive said continuation signal." The Real Audio player described in the RealAudio document receives and reproduces content distributed over the Internet. However, there is no disclosure of the claimed continuation signal.

The office action references the discussion of "Loss Correction" on page 27 of the Real Audio document in connection with the claimed continuation signal. The "Loss Correction" discussion on page 27 is part of a broader discussion of network preferences that may be set in the Real Audio Player. If the Loss Correction preference is checked (*i.e.*, enabled), the Real Audio Player compensates for packets lost in transmission

between a server and the computer on which the Real Audio Player is running. If the Loss Correction preference is unchecked (*i.e.*, disabled), the lost packets are simply dropped, that is, there is no compensation. There is no disclosure here of a continuation signal that enables content to be reproduced continuously or of a content reception apparatus that is unable to reproduce content while the content reception apparatus is unable to receive a continuation signal.

The office action also makes reference to the disclosure in the Real Audio document regarding "real-time audio delivery on demand." *See* page 3 of the office action. However, the RealAudio document does not appear to provide any detailed description of this feature and Applicants see no apparent relationship between this feature and the claimed continuation signal.

In short, the Real Audio document simply notes that the Real Audio Player does not reproduce content it does not receive. In accordance with the system of claim 1, content would not be reproduced (even if received) unless the continuation signal were also received. There is no such disclosure or suggestion in the Real Audio document of such an arrangement.

For at least these reasons, claim 1 cannot be anticipated by the RealAudio document. *See, e.g., Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.")

Claim 2 is directed to a content reception apparatus receiving and reproducing content, wherein the content reception apparatus is unable to reproduce the received content while the content reception apparatus is unable to receive a continuation signal for enabling the content to be reproduced continuously. The RealAudio document does not describe a reception apparatus that is unable to reproduce content while it is unable to receive a continuation signal. The office action again references the Loss Correction discussion on page 27 of the RealAudio document in connection with the claimed continuation signal. However, this discussion simply states that packets that are not received are not reproduced. There is no description in this portion of the RealAudio

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document of a reception apparatus that is unable to reproduce received content if it is unable to receive a continuation signal. Consequently, the Real Audio document does not anticipate claim 2.

Claims 3-9 depend from claim 2 and are believed to be allowable because of this dependency and because of other patentable features contained therein. For example, claim 5 specifies that the continuation signal can be received only within a predetermined area. No such feature is disclosed or even suggested by the RealAudio document.

Claim 10 is directed to a content distribution system including content distribution means for distributing content and continuation signal distribution means for distributing a continuation signal which must be received at least periodically by a receiver which receives the distributed content to enable the received content to be reproduced continuously by the receiver. The RealAudio document does not disclose distributing a signal which must be received at least periodically by a receiver to enable to receiver to reproduce received content. The office action references the mention of “real-time audio delivery on demand” on page 2 of the RealAudio document in connection with the continuation signal of claim 10. However, the disclosure of an audio delivery on-demand concept is not a disclosure of a continuation signal having the characteristics specified in claim 10. Consequently, the RealAudio document does not anticipate claim 10.

Claims 11-16 depend from claim 10 and are believed to be allowable because of this dependency and because of other patentable features contained therein. For example, claim 13 specifies that the continuation signal can be received only within a predetermined area. No such feature is disclosed or even suggested by the RealAudio document.

Claim 17 is directed to a content reception method comprising receiving content and reproducing the received content, wherein reproduction of the received content is impossible in the content reproducing step while reception of a continuation signal for enabling the content to be reproduced continuously is impossible. The RealAudio document does not disclose the impossibility of reproducing received content while it is

impossible to receive a continuation signal as claimed in claim 17. The office action references the Loss Correction discussion on page 27 of the RealAudio document in connection with the continuation signal of claim 17. However, this discussion simply states that packets that are not received are not reproduced. There is no description in this portion of the RealAudio document of the impossibility of reproducing received content while it is impossible to receive a continuation signal. Consequently, the Real Audio document does not anticipate claim 17.

Claims 19 and 21 similarly specify the impossibility of reproducing received content while it is impossible to receive a continuation signal and are likewise not anticipated by the RealAudio document.

Claim 18 is directed to a content distribution method comprising distributing a continuation signal which must be received at least periodically by a receiver which receives distributed content to enable the received content to be reproduced continuously by the receiver. As discussed in connection with claim 10, the RealAudio document does not disclose distributing a signal which must be received at least periodically by a receiver to enable the receiver to reproduce received content. Consequently, the RealAudio document cannot anticipate claim 18.

Claims 20 and 22 similarly specify distributing a continuation signal which must be received at least periodically by a receiver which receives the distributed content to enable the received content to be reproduced continuously by the receiver. As such, these claims are likewise not anticipated by the RealAudio document.

Claim 23 is directed to a content distribution system comprising at least one content reception apparatus receiving and reproducing distributed content and a content distribution apparatus distributing the content, wherein the content distribution apparatus distributes a continuation signal for enabling the content to be reproduced continuously, and the content reception apparatus can reproduce the content only while the content reception apparatus can receive the continuation signal. The RealAudio document does not disclose a content reception apparatus that can reproduce content only while it can receive a continuation signal. The office action references the "real-time audio delivery on demand" identification on page 2 of the RealAudio document and the "Receive Audio

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Via” discussion on page 26 of the RealAudio document in connection with the claimed content reception apparatus features. The identification of a real-time audio on demand feature does not constitute a disclosure of a reception apparatus that can reproduce content only while it receives a continuation signal. The “Receive Audio Via” discussion relates to the setting of a preference to receive TCP packets rather than UDP packets. There is no disclosure here of a reception apparatus that can reproduce content only while it receives a continuation signal. Consequently, the RealAudio document cannot anticipate claim 23.

Claim 24 is directed to a content reception apparatus receiving and reproducing content, wherein the content reception apparatus can reproduce the received content only while the content reception apparatus can receive a continuation signal for enabling the content to be reproduced continuously. The RealAudio document does not disclose such a content reception apparatus. The office action references the “Receive Audio Via” discussion in the RealAudio document in connection with the claimed content reception apparatus. However, this discussion only describes setting a preference to receive TCP rather than UDP packets. There is no disclosure of a content reception apparatus receiving the claimed continuation signal in order to reproduce received content. Consequently, the RealAudio document does not anticipate claim 24.

New claims 25-41 have been added. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added.

Claim 25 is directed to a content distribution method comprising distributing content and distributing a refresh signal within a specified area so that a receiver within the specified area can receive the refresh signal and a receiver outside the specified area cannot receive the refresh signal. A receiver must at least periodically receive the refresh signal in order to reproduce the content it receives. The RealAudio document describes no such content distribution method involving, among other things, distributing a refresh signal within a specified area as claimed. Consequently, claim 25 and its dependent claims 26-35 are believed to be allowable.

Claim 36 is directed to a content reproduction method comprising receiving content, receiving a refresh signal, setting a timer based on the refresh signal, and

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reproducing the received content for output to a user only during a time period specified by the timer. The RealAudio document discloses no such content reproduction method involving, among other things, the claimed refresh signal and the setting of a timer based on such a refresh signal. Consequently, claim 36 and its dependent claims 37-40 are believed to be allowable.

Claim 41 is directed to a content distribution method in which, among other things, the distributed content comprises a plurality of content types each having an associated number specifying the maximum number of receivers to which that content type can be distributed at any one time. A content distribution record indicative of the number of receivers to which each type of content is distributed is maintained and this record is updated based on data received from the receivers. No such method is disclosed by the RealAudio document and consequently claim 41 is believed to be allowable.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,  
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